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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,740	06/05/2000	David A. Bishop	MSFT-0196	8651

7590 09/02/2004

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EXAMINER

COLLINS, SCOTT M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/586,740	Applicant(s) BISHOP ET AL.	
	Examiner Scott M. Collins	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-121 is/are pending in the application.
 4a) Of the above claim(s) 7-20, 30-61, 76-89 and 119-121 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6, 20-29, 62-75 and 90-118 is/are rejected.
 7) ☒ Claim(s) 121 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment on 05/19/2004.

Response to Arguments

2. The previous claim objection and the claim rejections under 35 U.S.C. 112 have been withdrawn in view of applicant's amendments.
3. Applicant's arguments filed 05/19/2004 have been fully considered but they are not persuasive. The only argument applicant makes is that the reference does not teach the limitation that has been newly added to the independent claims. As can be seen in the updated rejection, the reference does indeed teach the newly added limitation.

Claim Objections

4. Claim 121 is objected to because of the following informalities: please change the phrase "the a second of the two queues" in line 3 of the claim to "the second of the two queues". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 21-29, 62-75, and 90-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al., U.S. Patent Number 6,105,065 in view of what would have been obvious to one of ordinary skill in the art at the time the invention was made.

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7. Referring claims 1 and 62, Rao has taught a computer network, the computer network including a plurality of managed sites (Rao figure 1), wherein each of the managed sites comprises:

- a. at least one manager engine computer coupled to a plurality of managed nodes (Rao figure 1, element 18), the at least one manager engine computer including a management software component (Rao figure 1, element 18), the management software component being capable of retrieving and storing data representative of network system state information (Rao figure 7, column 8, lines 12-30, and column 11, line 54 – column 12, line 1), the network system state information comprising relationships among a plurality of managed network elements (Rao figure 7 where the relationships are identified by connecting lines), wherein at least one of the plurality of managed network elements corresponds to one of the plurality of managed nodes (Rao figure 7, and column 11, line 54 – column 12, line 1), and wherein the plurality of managed network elements comprise at least one physical element (Rao column 11, lines 58-61) and at least one of an application, a subroutine, a service, or data (Rao column 12, lines 8-12 where a call comprises both a service (starting and sustaining the call) and data regarding the session and connection of the call itself. Thus, these calls are indeed “beyond the physical elements in a network” as argued by applicant in the amendment of 05/19/2004 as the calls are not tangible, physical elements.); and
- b. at least one client computer coupled to the at least one manager engine computer (Rao figure 1, element 16b, 16c, 24, 26, 28, 30), the at least one client computer including a data retrieval software component (Rao column 8, lines 12-

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30), the data retrieval software component being capable of retrieving the data representative of network system state information from the at least one manager engine computer (Rao column 8, lines 12-30).

8. Rao has not expressly disclosed presenting the data representative of network system state information to a user specifically at a client computer. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to be able to present this data not only at the network management station (Rao figure 1, element 18; and figure 7), but also to access this data at a client computer. One of ordinary skill in the art would have been motivated to do this in order to allow a network manager to have the freedom to access the network data from any client computer on the network.

9. Referring to claim 2, Rao has taught the computer network wherein the data representative of network system state information is stored in a database on the at least one manager engine computer (Rao figure 2, element 48; and column 4, lines 34-41), the database comprising data representing information about the plurality of managed network elements (Rao figure 2, element 48; and column 4, lines 34-41).

10. Rao has not expressly disclosed that the information about the plurality of network elements includes, for each element of the plurality of managed network elements, an element type, possible parents of the element, a corresponding assigned manager engine computer for the element, a corresponding command list, if any, for the element, any security restrictions for the managed element, and information relating the element to others of the plurality of managed network elements. However, based on Rao's figure 7, Rao's information gathering of columns 7-11 gathers all information

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related to node type and all relationships between nodes and specifically clients and servers (Rao figures 7-10). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to gather various types of information relating to the managed network elements (Rao column 8, line 64 – column 9, line 31). One of ordinary skill in the art would have been motivated to do this in order to better inform the analysis of the information regarding the managed network elements by obtaining more types of information.

11. Referring to claim 3, Examiner takes Official Notice (see MPEP § 2144.03) that "a snap-in application" in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

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12. Referring to claim 4, Rao has taught the computer network wherein the relationships among the plurality of managed network elements include one-way relationships (Rao figure 7).

13. Referring to claim 5, Rao has taught the computer network wherein the relationships among the plurality of managed network elements include two-way relationships (Rao figure 7).

14. Referring to claim 6, Rao has taught the computer network wherein the data retrieval software component includes a user interface software component (Rao column 6, lines 9-23; column 11, line 54 – column 12, line 38; and figures 7-10), the user interface software component presenting the data representative of network state information to the user by representing each of the plurality of managed network elements with a corresponding icon and by representing the relationships among the plurality of managed network elements with corresponding connectors visibly connecting icons (Rao figure 7).

15. Referring to claim 21, Examiner takes Official Notice (see MPEP § 2144.03) that “drill down capability” in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

16. Referring to claim 22, Rao has taught the computer network wherein the icons convey property information (Rao figure 7).

17. Referring to claim 23, Rao has taught the computer network wherein the icons include actions icons which facilitate user initiation of actions (Rao figure 7).

18. Referring to claims 24-29, Examiner takes Official Notice (see MPEP § 2144.03) that “base, derived, application, resource, reference, and external interface” types of

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managed network elements in a computer networking environment were well known in the art at the time the invention was made. See paragraph 15 above.

19. Referring to claim 63 and 73, Rao has taught the manager engine computer wherein the management software component further comprises a root cause evaluation component, the root cause evaluation component facilitating detection of network problems using dependencies incorporated into the series of relationships among managed elements of the network (Rao figure 12 and column 13, lines 36-58).

20. Referring to claim 64, Rao has taught the manager engine computer wherein the management software component further comprises a policy enforcement component, the policy enforcement component facilitating enforcement of network policies in response to a state change in a corresponding one of the managed elements of the network (Rao figure 12 and column 13, lines 36-58).

21. Claims 65, 67, 68, 70, 72, and 74 do not recite limitations above the claimed invention set forth in claims 24-29 and are therefore rejected for the same reasons set forth in the rejection of claims 24-29 above.

22. Referring to claims 66 and 71, Examiner takes Official Notice (see MPEP § 2144.03) that an "SQL server" in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

23. Referring to claim 69, Examiner takes Official Notice (see MPEP § 2144.03) that "Customer Information Tracking System" in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

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24. Referring to claim 75, Examiner takes Official Notice (see MPEP § 2144.03) that a "web application" in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

25. Claims 90-104 do not recite limitations above the claimed invention set forth in claims 1-6 and 21-29 and are therefore rejected for the same reasons set forth in the rejection of claims 1-6 and 21-29 above.

26. Claims 105-118 do not recite limitations above the claimed invention set forth in claims 62-75 and are therefore rejected for the same reasons set forth in the rejection of claims 62-75 above.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Fri. 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
August 26, 2004



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